Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 02-19-15	Bureau/Station/Facility: Parks Bureau	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 015-00069-8332-057	Date: 02-19-15 Time: 1410
City or Station: Azusa	Nature of Incident: Deputies Contacted suspect regarding smoking a cigarette in a county park. A struggle ensued between the suspect and deputies. The suspect entered a vehicle during the struggle, striking one of the deputies with the vehicle and held onto another deputy while driving away. Deputy Swanson fired one round at the suspect, which caused him to release the deputy. The suspect fled the scene.
Location: 15701 Foothill Boulevard, Azusa Ca. 91702 "Lario Park"	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, (Park) [circled], Parking Lot, Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, (Daylight) [circled], Other, Street Lights

Weather (*circle only one*): (Clear) [circled], Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, Armed Person, (Fleeing Suspect) [circled], Foot Pursuit, Gun Take Away, (Moving Vehicle) [circled], Sniper/Ambush, Startle, (Struggle Involved) [circled], Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, (Observation) [circled], One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol) [circled]

Total # of Shots Fired by Deputy: 1

Total # of Shots Fired by Suspect: None

Aero Unit? ☒ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Echeverria	Pedro	H	EM PM (Day)	(Regular) Overtime Off Duty
[redacted]	Gonzales	Catarino	F	EM PM (Day)	(Regular) Overtime Off Duty
[redacted]	Goedhart	Hilbrandt		EM PM (Day)	(Regular) Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Jefferys	Ingrid	K	(On Duty) [circled], Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Young	Larry	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Hinkle	Gregory	A

PSTD Use Only

SH # ______

SH-R-438A rev. 3/07

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02-19-15	1550		

Employee #	Last Name	First Name	M.I
[redacted]	Berg	Michael	
[redacted]	Peacock	Dan	
[redacted]	[redacted]	[redacted]	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	Echeverria	OV					CP	KN
S#1	Gonzales	OV					NN	
E#1	S#1	FH	SW	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 015-00069-8332-057

Involved Employee

E 1

Employee # [redacted]	Last Name: Swanson	First Name: David	M.I.: E
Sex: M Race: W	Rank: Deputy Sheriff	Unit Assignment: Mounted Enforcement Detail	Work Assignment (Unit #, Module, etc.): 833H
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, (Uniform w/ Vest)	Other Factors:
Age: 55 Height: 510 Weight: 190			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: Directed Force: [redacted]
Weapons Fired Brand: S&W M&P	Caliber: 9	# Shots: 1	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 015-00069-8332-057

Suspect Information

S 1

Last Name: Babakitis		First Name: James	M.I.: T
AKA Last Name:		First Name:	M.I.:
Sex: M Race: W	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted] [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 50 D.O.B. 02-23-65	Height: 511 Weight: 195	FBI #: [redacted]	CII #: [redacted]
Booking #: 4310891	Primary Charge: 245(c)PC	Secondary Charge: 69PC	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? ☒
Vehicle Make: Toyota		Model: Celica	Year: 1992

S __

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S __

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S __

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name: Hauser # [redacted]	First Name: Timothy		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING: NON-HIT

CASE NUMBER: SH2374877/FO2374881

FILE #: 015-00069-8332-057

DATE: February 19, 2015 , Thursday

TIME: 1410 hours

LOCATION: 15701 Foothill Boulevard, Azusa CA. 91702 "Lario Park"

OPENING STATEMENT:

On Thursday, February 19, 2015, Internal Affairs Bureau investigators Sergeant Dan Peacock, Sergeant [redacted] and Lieutenant Mike Berg responded to "Lario Park" at 15701 Foothill Boulevard, Azusa. Internal Affairs Bureau investigators and Bita Shasty from the Office of the Inspector General were given a briefing by Parks Bureau.

SYNOPSIS:

At approximately 1410 hours, on February 19, 2015, Deputies David Swanson, Pedro Echeverria, Hilbrand Goedhart, Catarino Gonzales and Timothy Hauser from the Parks Bureau Mounted Enforcement Detail, were patrolling Lario Park on horseback. (Deputies Catarino Gonzales and Timothy Hauser are assigned to Century Station; the Mounted Enforcement Detail is a collateral duty for them.)

The deputies observed a white, two-door vehicle parked along a remote trail at the end of a large dirt area. A White male (suspect) was seated in the driver's seat of the vehicle. As the deputies approached the vehicle, the suspect exited the vehicle and walked to the vehicle's trunk. The suspect opened and closed the trunk, then sat in the driver's seat with the door ajar. The suspect was smoking a cigarette (Los Angeles County Code violation 17.04.645). The deputies believed the suspect placed or retrieved an item in the trunk, possibly a weapon.

The Lario Park area was known to the deputies for narcotics, weapons, and other illegal activities. Based upon the above, the deputies decided to contact the suspect.

Deputy Echeverria initiated a conversation with the suspect, as the suspect exited the car. Deputy Gonzales attempted to conduct a patdown search of the suspect next to the open driver's door. Deputy Echeverria stood next to Deputy Gonzales in the open driver's door area of the vehicle.

The suspect swung his right elbow into Deputy Gonzales' chest, and lunged into the driver's seat of the vehicle. Deputies Gonzales and Echeverria tried control holds to pull the suspect from the vehicle, as the suspect started his vehicle and reached beneath the seat, as if to retrieve a weapon.

Deputies Swanson and Goedhart approached the front of the vehicle on horseback. Deputy Goedhart dismounted and ran to the driver's side of the vehicle to assist Deputies Gonzales and Echeverria. The suspect placed the vehicle in gear, as the deputies yelled at the suspect to stop the vehicle. The suspect used his left arm to lock Deputy Gonzales' arm against him as the vehicle dragged Deputy Gonzales forward. The vehicle's tires spun wildly as it tried to gain traction in the soft dirt. The vehicle's driver door hit Deputy Echeverria in the right knee and hip, knocking him out of the way. Deputy Gonzales ran approximately ten feet beside the vehicle as the suspect held onto Gonzales' arm.

Deputy Swanson was in front of the vehicle. Due to his elevated platform on the horse, he could see the suspect reaching under the seat. He feared the suspect was grabbing a weapon. The car revved and continued forward. Deputy Swanson drew his weapon and pointed it at the suspect, as he moved his horse to the passenger side of the vehicle to avoid being hit. Deputy Echeverria repeatedly yelled at the driver, "Don't do it!" as the car drove forward.

Fearful that Deputy Gonzales would be dragged and/or run over, Deputy Swanson fired one round into the passenger side window, toward the legs of the suspect. This caused the suspect to release Deputy Gonzales. Deputy Swanson was approximately two feet from the suspect's passenger side when he fired from horseback.

The suspect accelerated across the dirt area, onto a road, and turned eastbound onto Foothill Boulevard, and was last seen driving out of view. Deputy Swanson made a radio broadcast of the incident and did not believe the suspect was hit by gunfire.

Deputy Echeverria was treated at the scene by L.A. County paramedics for injuries to his right knee and right hip. He was transported to Foothill Presbyterian Hospital for further treatment and released.

Deputies estimated the duration of the entire incident was one-and-a-half to two minutes. The physical confrontation at the car, until the time of the shooting, was 15-30 seconds. One shell casing was recovered at the scene.

Parks Bureau personnel obtained information, which led to the identification of Suspect Babakitis. He was arrested on April 29, 2015. Parks Bureau Personnel also obtained information, which led to the recovery of the suspect vehicle and arrest of Suspect [redacted] who attempted to clean the vehicle of any potential evidence. The District Attorney declined to file charges against Suspect [redacted]. The involved deputies identified Suspect Babakitis and his vehicle after being shown pictures by Detective Chairez. Refer to supplemental reports by Detective Chairez for further details on these identifications in **Exhibit B**.

Detective Chairez had personnel from Scientific Services Bureau process the suspect vehicle for potential evidence. Items were removed from the vehicle, which included DNA samples. At the request of the District Attorney handling the criminal case against Suspect Babakitis, the DNA recovered has not been processed, due to the small amount recovered, which would deplete the whole sample. For further information, refer to supplemental reports and the CHP-180, which are included with this case as **Exhibit B**.

> **IAB Note:** An incident report was prepared under file 015-00069-8332-057. The incident report, along with all the supplemental reports, authored by the involved deputies are included with this case as **Exhibit A**. A copy of the radio traffic is included with this case as **Exhibit C**.

INVOLVED PERSONNEL:

Swanson, David, Deputy, #[redacted]

Assigned to Countywide Services Division, Parks Bureau

Working Unit 833H3, Mounted Enforcement Detail

Date of Employment: February 4, 1986

Date Assigned to Patrol: [redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

Gonzales, Catarino, Deputy, #[redacted]

Central Patrol Division, Century Station

Working Unit 833H, Mounted Enforcement Detail

Date of Employment: May 17, 1991

Date Assigned to Patrol: [redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

Echeverria, Pedro, Deputy, #[redacted]

Assigned to Countywide Services Division, Parks Bureau

Working Unit 833H, Mounted Enforcement Detail

Date of Employment: May 10, 1989

Date Assigned to Patrol: [redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

SUSPECT:

Babakitis, James Thomas, MW/Booking #4310891

The Consolidated Criminal History System revealed [redacted] A complete Criminal History is included with this case in the **Miscellaneous Documents** section.

SWORN WITNESSES:

Goedhart, Hilbrandt #[redacted] Deputy (Mounted Enforcement Detail)

Hauser, Timothy #[redacted] Deputy (Century Station)

CIVILIAN WITNESSES:

The area near the shooting scene was canvassed for potential witnesses. There were no witnesses to the deputy involved shooting. For further information regarding witness statements, refer to supplemental reports in **Exhibit A**.

INJURIES:

Deputy Echeverria was treated at the scene by L.A. County paramedics for injuries to his right knee and right hip. He was transported to Foothill Presbyterian Hospital for further treatment and released.

PHYSICAL EVIDENCE:

Deputy Swanson's 9MM Luger expended bullet casing was recovered from the scene. The area the casing was recovered from is consistent with Deputy Swanson's account of where he was when he fired at the suspect. The above item was identified, recovered and photographed by the Sheriff's Department Crime Lab. For the exact location, refer to Sheriff's Crime Lab supplemental report and diagram **Exhibit D.**

IAB Note: For a complete list of evidence recovered, see Sheriff's Crime Lab supplemental report and diagram which is included with this case as **Exhibit D**.

INVESTIGATOR'S OBSERVATIONS:

Upon the investigator's arrival, they learned there was an active command post and containment of the crime scene area. Investigators learned of the series of events, which culminated in a deputy involved, non-hit shooting, involving Deputy David Swanson. Deputy Swanson was a uniformed mounted patrol deputy.

IAB Note: IAB Lieutenant Mike Berg checked to see that the Watch Commander, Lieutenant Gregory Hinkle took reasonable steps to ensure the involved deputies did not discuss the incident with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant Mike Berg ensured the Watch Commander had the involved deputies gather in the company of a supervisor until they had provided a statement to the assigned investigators.

The criminal investigation was handled by Parks Bureau Detective Mario Chairez #[redacted] Detective Chairez conducted a walk-through of the scene with IAB investigators, and Office of the Inspector General Attorney Bita Shasty. Detective Chairez directed Sheriff's Crime Lab personnel to photograph and document the scene.

IAB Note: A CD containing photographs is included in this case as **Exhibit D.**

WEAPON USED BY DEPUTY:

Swanson, David
Service Weapon Type: Smith & Wesson M&P 9mm, serial #HAT1186
Rounds Fired: One
Type of Ammunition Used: Department Issued 9mm Luger.
Date Employee Last Qualified: [redacted]
Firearms, M&P Semi-Auto: [redacted]

IAB Note: An examination of Deputy Swanson's firearm, following the shooting, showed his weapon contained nineteen rounds in the magazine and one round in the chamber. One 9MM casing was recovered at the scene. Deputy Swanson said he purchased magazine extenders for his weapon and the amount of rounds he carried fluctuated between twenty and twenty one. The firearm was tested by Sheriff's firearms examiners and found to be functional. See **Miscellaneous Documents**.

WEAPON USED BY SUSPECT:

Vehicle, 1992 Toyota Celica, 2 door, White in color, License Plate #[redacted]

PROPERTY DAMAGE:

Bullet hole in the passenger side mirror, of the suspect vehicle

IAB Note: During the investigation it was learned the passenger side window of the suspect vehicle was shattered during the shooting, however the window had been replaced at the time the vehicle was impounded. A small hole was located in the passenger seat of the suspect vehicle. Photographs are included in this case as **Exhibit B**.

CRIMINAL INVESTIGATOR:

Investigator's Name: Detective Mario Chairez.

Court: Citrus

Charges: The District Attorney filed two felony charges against Suspect Babakitis; Assault upon a Peace Officer or Firefighter, 245(c) P.C. and Resisting Executive Officer, 69 P.C. The District Attorney declined to file charges against Suspect [redacted]

A copy of the complaint and reject slip are included with the case in the **Miscellaneous Documents** section.

LIGHTING AND WEATHER CONDITIONS:

The shooting occurred during daylight hours. The weather was clear.

INVOLVED EMPLOYEE STATEMENT:

David Swanson, Deputy, #[redacted], was interviewed on March 12, 2015, at 1444 hours, by Sergeants Richard Martinez and Dan Peacock, at the Internal Affairs Bureau office in the City of Commerce. A follow up interview was conducted on April 13, 2015, at 1209 hours, by Sergeants Richard Martinez and [redacted] Deputy Swanson was represented by Maureen Okwuosa of Green and Shinee. Both interviews were digitally recorded and transcribed. Following is a summary of both interviews and his supplemental report.

Deputy Swanson said as they were riding southbound through Lario Park, along the roadway, he saw a white two door vehicle stopped facing east bound, on a dirt lot, west of the roadway and north of Foothill Boulevard. They decided to split up, with Deputies Echeverria, Gonzales and Hauser approaching the vehicle from the north, and Deputy Goedhart and himself continuing to ride south along the roadway, about 75 yards east of the vehicle. Deputy Swanson saw Deputy Echeverria and Deputy Gonzales dismount and approach the suspect, who was walking toward the rear of the vehicle. Deputy Hauser remained mounted, holding the other two horses. Deputies Goedhart and Swanson started riding their horses from the roadway, westbound across the dirt lot toward the vehicle. When they were about 50 yards away, Deputy Swanson saw the suspect, who was by the driver's door of the vehicle, turn away from Deputy Gonzales and face the vehicle. The suspect used his body and pushed backward against Deputy Gonzales. This action knocked Deputy Gonzales backward; the suspect then opened the vehicle's driver door and attempted to get inside the vehicle.

Deputy Swanson said he saw Deputies Gonzales and Echeverria grab the upper body and arms of the suspect, in an attempt to keep him from getting inside the vehicle. The driver's door was completely open. Due to the fact he was on horseback and directing his horse's actions, he was unable to concentrate on the struggle and identify exactly what was happening.

Deputy Goedhart and Deputy Swanson began cantering their horses toward the struggling deputies and suspect. When Deputy Swanson was about 10-15 feet in front of the vehicle, he saw the suspect sit down in the driver's seat. Deputy Gonzales and Deputy Echeverria attempted to pull him out of the vehicle, by holding onto his shoulders, his left arm and neck. As the suspect sat down, he reached under the driver's seat with his right hand. From his experience and training, Deputy Swanson knew that persons often conceal weapons under the seats of their vehicles.

Deputy Swanson was able to see the suspect's actions through the vehicle's windshield, due to his elevated platform on horseback. Fearing that he was retrieving a weapon and intending to assault his partners, Deputy Swanson drew his issued handgun (S&W M&P 9mm) and pointed it at the suspect, while simultaneously stopping his horse in front of the vehicle.

Deputy Swanson said he could see the suspect was trying to put the vehicle in gear. Deputy Swanson said the car moved forward and he could see the suspect had trapped Deputy Gonzales' left arm between his (Suspects) left arm and his (Suspects) body, and was pulling him as the vehicle moved forward. Fearing that the suspect was going to seriously injure or kill Deputy Gonzales by dragging him and/or running him over, Deputy Swanson fired one round from his handgun into the vehicle. He purposely aimed at the suspect's lower legs through the closed and tinted passenger side window, not wanting to endanger Deputy Gonzales.

Deputy Swanson said he was mounted on his horse, and about two feet from the side window of the vehicle when he fired. The vehicle was moving and accelerating. Immediately after he fired, the suspect released Deputy Gonzales and drove eastbound on Foothill Boulevard and out of sight.

Deputy Swanson initiated a crime broadcast via his handheld Sheriff's Radio. He also requested that a Field Supervisor respond to his location. Sergeant Ingrid Jefferys #[redacted] (833S) responded and he reported to her the discharge of his firearm, and his observations of Deputy Echeverria and Deputy Gonzales' use of force.

Deputy Swanson said he purchased a magazine extender for his firearm. This extender inceased the capacity of rounds he could carry, from seventeen to twenty-two. He said he did not carry twenty-two rounds in the magazine, as he conducted tests and found the magazine would not function properly if filled to capacity. Deputy Swanson said he put twenty or twenty-one rounds in the magazine. He went on to say he purchased the magazine extender to increase the number of rounds he carried, as he was often patrolling in the brush, and backup may be extended in their response to his location.

IAB NOTE: During his interview Deputy Swanson was shown a picture of the area of the shooting scene to aid him in pointing out the deputies positions during the incident. That picture is included in the **Miscellaneous Documents** section

Pedro Echeverria, Deputy, #[redacted], was interviewed on March 12, 2015, at 1323 hours, by Sergeants Richard Martinez and Dan Peacock, at the Internal Affairs Bureau office in the City of Commerce. Deputy Echeverria was represented by Maureen Okwuosa of Green and Shinee. The interview was digitally recorded and transcribed. Following is a summary of the interview and his supplemental report.

Deputy Echeverria said he had been briefed by Parks Bureau detectives to conduct patrol checks in Lario Park, due to high criminal activity. He said Deputies Gonzalez and Hauser were being evaluated on their performance and safety in handling their horses, as this was their first patrol shift with the Mounted Enforcement Detail. As the Mounted Enforcement Detail was in the parking lot north of the restrooms, they watched several vehicles enter the park and immediately leave after noticing their presence. Deputy Echeverria said these actions were consistent with someone coming to the park to commit illegal activity, and then leave when they see deputies.

Deputy Echeverria said they all walked south on Lario Park, heading back toward the Santa Fe Dam, when he saw a white vehicle parked on the south dirt lot area of Lario Park, facing east. He saw the suspect smoking a cigarette (violation of Los Angeles County Code) and decided to cite the suspect for the violation. As the deputies approached, the suspect exited the vehicle, opened the trunk and threw something inside. The suspect then got back into the car and started the ignition. Deputies Gonzales, Hauser and Echeverria were now at the vehicle, with Deputies Echeverria and Gonzales off of their horses. Deputy Echeverria said it is the Mounted Enforcement Details practice to dismount in pairs when contacting a suspect. The suspect acknowledged Deputy Echeverria and said "Hey deputy," as he asked the suspect to turn off the vehicle's engine and exit the vehicle. For their safety, Deputy Gonzales asked the suspect to turn around so he could conduct a pat down check for weapons. The suspect turned around to face the vehicle, then struck Deputy Gonzales on his chest with his right elbow, causing him to stumble back.

Deputy Echeverria immediately grabbed the suspect from his left arm as Deputy Gonzales attempted to grab his right arm and shirt. Deputy Echeverria said the suspect was significantly stronger than them and dragged them 2 - 3 feet toward the driver's seat. Deputy Echeverria saw the suspect's shirt rip as Deputy Gonzales tried to gain control.

Believing the suspect was going to reach for a weapon in the vehicle, Deputy Echeverria grabbed the suspect's hair, which was in a long pony tail, with his right hand and pulled it back in an attempt to pull him out of the vehicle. The suspect sat in the driver's seat and began to reach underneath the front seat with his right hand.

Deputy Echeverria said he grabbed the right wrist of the suspect with his left hand, in an attempt to keep the suspect from reaching under the seat. Deputy Echeverria said he was unable to maintain control of the suspect and the suspect was able to start the vehicle.

Deputy Echeverria looked east and saw Deputies Goedhart and Swanson approaching on horseback, directly in the line of travel of the vehicle. Deputy Echeverria said he began to yell at Deputies Goedhart and Swanson to move out of the way, because the suspect started the vehicle and was attempting to put it in gear. The suspect was revving the engine by pushing the accelerator, but the vehicle was not moving.

He said the suspect kept grinding the gears, but eventually was able to put it in gear, causing the tires to spin on the dirt.

Deputy Echeverria said he moved back, but was stopped by the driver's door, which was still open. The vehicle started moving forward and Deputy Echeverria let go of the suspect, as he feared he would be run over by the vehicle. Deputy Echeverria said he was struck on the knee by the vehicle as it passed him. After being struck by the vehicle, Deputy Echeverria said he heard what he thought was a backfire from the vehicle, as the suspect drove east in the parking lot, then east on Foothill Boulevard and out of sight. Deputy Echeverria was unable to see the license plate of the vehicle as there was too much dust obstructing his view.

Deputy Echeverria said he was unable to use his pepper spray or Taser, as he would have to let go of the suspect, and he feared the suspect would then grab a weapon and use it against him or one of the other deputies. Deputy Echeverria said toward the end of the struggle, he felt justified in using deadly force; however, the positions of the other deputies prevented him from doing so. He also went on to say, if he pulled his weapon in such close proximity of the suspect, the suspect may have grabbed it.

> **IAB NOTE:** During his interview, Deputy Echeverria was shown a picture of the area of the shooting scene to aid him in pointing out positions of deputies during the incident. That picture is included in the **Miscellaneous Documents** section.

Catarino Gonzales, Deputy, #[redacted] was interviewed on March 12, 2015, at 1401 hours, by Sergeants Richard Martinez and Dan Peacock, at the Internal Affairs Bureau office in the City of Commerce. Deputy Gonzales was represented by Maureen Okwuosa of Green and Shinee. The interview was digitally recorded and transcribed. Following is a summary of the interview and his incident report.

Deputy Gonzales said he was on a check ride with the Mounted Enforcement Detail. A check ride is an evaluation process. As new members are coming to the unit, the rider and the horse are evaluated. They are exposed to different things in the field, such as, traffic conditions, conditions with the public, and going through different obstacles. On that day, he was working with Deputy Pedro Echeverria #[redacted] Deputy Timothy Hauser #[redacted] Deputy David Swanson #[redacted], and Deputy Hill Goedhart #[redacted]. They were on horseback and patrolling Lario Park.

Deputy Gonzales said Deputies Goedhart and Echeverria briefed on tactics, contacting suspects, how to approach suspects, and maneuvering. They concentrated on homeless encampments, narcotics activity and other crimes committed in local parks.

Deputy Gonzales said as he and Deputy Echeverria rode side by side on their horses toward the southern portion of the parking lot, he saw a white vehicle occupied by the suspect.

They both saw the suspect smoking a cigarette (violation of Los Angeles County Code) and decided to contact him. There was a chain link fence separating them from the suspect. Deputy Gonzales went to the right looking for an opening in the chain link fence and Deputy Echeverria went to the left, along the paved road.

Deputy Gonzales said the suspect was standing at the trunk of the car, with both of his hands in the trunk. Deputy Gonzales said he saw Deputy Echeverria in front of Deputies Goedhart, Hauser, and Swanson riding toward the front of the car in a northwesterly direction.

Deputy Gonzales said when the suspect saw them, he immediately closed the trunk, which caused him to think the suspect either retrieved a weapon or put one in the trunk. The suspect then got back inside of the vehicle and sat down. Deputy Echeverria reached the vehicle first and was conversing with the suspect, asking him to turn down the music, turn off the car, and exit the vehicle. Deputies Gonzales and Echeverria were both off of their horses at this time. The suspect complied and exited the vehicle.

Deputy Gonzales said he wanted to do a pat-down search for weapons, based on the suspect's actions at the trunk of the car, then going back into the car after seeing the deputies. Deputy Gonzales said he grabbed the suspect's left hand, and reached with his right hand to grab the suspect's right arm, to turn him around and put him in a cursory search position for the pat-down. He felt the suspect tense then the suspect immediately hit him with his right tricep in the chest. This caused Deputy Gonzales to lose his balance and fall back; however he maintained his grasp of the suspect's left hand. The suspect then tried to get back into the vehicle and sit in in the driver's seat. Deputy Gonzales said he still had a grasp of the suspect and tried to pull him from the vehicle, as the suspect was trying to get inside of the vehicle. He described it as a tug-of-war. Deputy Gonzales said he did not want the suspect to get back into the vehicle, because it had not been searched.

Deputy Echeverria told the suspect to get out of the car, as the suspect managed to sit in the driver's seat. Deputy Gonzales said the suspect was not sitting squarely on the seat. His right foot was in; however, his left foot was still out of the car.
The suspect reached over with his upper torso, and bending toward the floorboard. Deputy Gonzales said he still had hold of the suspect's left arm and tried to yank him out of the vehicle. He said Deputy Echeverria and himself were shoulder to shoulder, patch to patch, in the tight area of the vehicle's open door.

Deputy Gonzales said as they struggled, he heard the vehicle running, and the engine revving. He looked through the windshield and saw Deputy Goedhart in front of the vehicle. Fearing Deputy Goedhart would be run over; Deputy Gonzales tried even harder to pull the suspect from the vehicle. He grabbed the suspect's shirt in an attempt to pull him from the vehicle, however the shirt ripped.

Deputy Gonzales said the vehicle started to move forward and his arm was entangled with the suspect's arm. Deputy Gonzales took a few steps backward to avoid being hit by the car; however, his arm was still trapped by the suspect. He continued to run alongside the vehicle and heard a gunshot. He was able to free his arm at the same time he heard the gunshot.

Deputy Gonzales said he was unable to use his pepper spray during the struggle, because he carries it on his left side. His left arm was tied up with the suspect and there was not enough room for him to reach it with his right hand. He considered using deadly force when the suspect vehicle moved toward Deputy Goedhart; however, everything happened too quickly, and he was unable to draw his weapon.

Deputy Gonzales said he was in the perfect position to get a license plate of the vehicle, as he approached from the rear; however, he was concentrating on the suspect and did not note the license plate. He was unable to see the license plate as the vehicle sped away, due to the large amount of dust.

> **IAB NOTE:** During his interview Deputy Gonzales was shown a picture of the area of the shooting scene, to aid him in pointing out positions of deputies during the incident. That picture is included in the **Miscellaneous Documents** Section.

WITNESS STATEMENTS:

Hilbrand Goedhart, Deputy, #[redacted] was interviewed on February 19, 2015, at 2213 hours, at the Duarte substation, by Sergeants [redacted] and Dan Peacock. His interview was digitally recorded and transcribed. Following is a summary of both his interview and his supplemental report.

Deputy Goedhart said he was conducting Mounted Patrol at Lario Park with Dep. D. Swanson #[redacted] Dep. P. Echeverria #[redacted] Dep. C. Gonzales #[redacted] and Dep. T. Hauser #[redacted] They were all wearing Los Angeles County Sheriff's Department uniforms with badges and patches, clearly displaying themselves as deputy sheriff's. Their horses were also clearly marked as police horses by a badge on their breast collar and saddle bags displaying a badge and the words, in reflective tape, "Los Angeles County Sheriff's."

As they were riding southbound through the parking lot, Deputy Goedhart saw a white two door vehicle (later identified as the suspect's vehicle) parked in the west part of the dirt lot facing eastbound, just north of Foothill Boulevard. He saw Deputies Echeverria, Gonzales and Hauser approach the vehicle on horseback, as he saw a male (later identified as the suspect, wearing a gray t-shirt and black jeans) exit the driver's seat of the vehicle and walk to his trunk. The suspect opened the trunk of the vehicle and appeared to put something inside, and then closed it.

He walked back to the driver's side of the vehicle and sat down in the driver's seat. Deputies Swanson and Goedhart continued to ride south on the roadway, approximately 75 yards east of the vehicle.

Deputy Goedhart saw Deputies Gonzales and Echeverria dismount their horses and approach the vehicle, as Deputy Hauser remained on his horse. Deputies Swanson and Goedhart started to ride westbound towards the suspect vehicle and were approximately 50 yards away, when Deputy Goedhart saw the suspect exit the vehicle and face Deputies Echeverria and Gonzales. Deputy Goedhart saw the suspect push Deputy Gonzales backward then attempt to get into the open driver's door of the vehicle. Deputy Gonzales and Echeverria began struggling with the suspect, trying to prevent him from entering his vehicle.

Deputies Goedhart and Swanson rode their horses toward the struggling deputies, and suspect. Deputy Goedhart was 10 - 15 feet away from the front of the suspect's vehicle when he heard the sound of the engine revving, and Deputy Echeveria yelling, "Look out. Look out. Hill, Look out!" Deputy Goedhart moved from the front of the vehicle, to the driver's side of the vehicle and dismounted his horse.

Deputy Goedhart ran toward the struggle and saw Deputy Echeverria standing on the outside of the driver's door, as the door was halfway closed, with Deputy Gonzalez in the doorjamb, and still holding onto the suspect. Deputy Goedhart saw the suspect reach over with his right hand, underneath the driver's seat. Based on his training and experience, he knows suspects often conceal weapons under the front seat.

Deputy Goedhart said the suspect vehicle moved forward and struck Deputy Echeverria's right leg with the driver's door. Simultaneously, he saw the suspect had Deputy Gonzales' left arm hooked and was holding on to it as he drove away. Deputy Goedhart said Deputy Gonzales ran 5-10 steps alongside the vehicle. Deputy Goedhart heard a gunshot and then the suspect released Deputy Gonzales. The suspect vehicle's tires kept spinning as the vehicle continued eastbound through the parking lot, then eastbound on Foothill Boulevard out of view. The suspect's vehicle created a large amount of dust, which prevented Deputy Goedhart from seeing the vehicle's license plate.

IAB NOTE: During his interview, Deputy Goedhart was shown a picture of the area of the shooting scene, to aid him in pointing out positions of the deputies during the incident. That picture is included in the **Miscellaneous Documents** section.

Timothy Hauser, Deputy, #[redacted], was interviewed on February 19, 2015, at 2130 hours, at the Duarte substation by Sergeants [redacted] and Dan Peacock. His interview was digitally recorded and transcribed. Following is a summary of both his interview and his supplemental report.

Deputy Hauser said while conducting a mounted patrol check of the Santa Fe Dam recreational area, including Lario Park, he saw a male acting suspiciously by parking his vehicle (2-Door, early 2000s, white in color) in a secluded area of Lario Park, and placing or retrieving an object in the trunk of his car, after seeing the deputies. Deputies Hauser and Echeverria approached the suspect on their horses from the south, and Deputy Gonzales approached on his horse from the north.

Deputies Echeverria and Gonzales got off of their horses and contacted the suspect, as Deputy Hauser stayed on his horse and acted as a cover deputy. The suspect stood outside of his vehicle while he spoke with the deputies, then Deputy Gonzales grabbed the suspect's left wrist. Deputy Hauser saw the suspect turn to his left and throw his right elbow back, striking Deputy Gonzales in the chest. The strike caused Deputy Gonzales to stumble backward approximately one or two steps. After seeing this, Deputy Hauser grabbed the horse's lead lines, as Deputies Echeverria and Gonzales tried to restrain the suspect. The suspect sat in the driver's seat of the vehicle, as Deputies Echeverria and Gonzales tried to pull the suspect out of the vehicle, the suspect was pulling back on them. Deputy Hauser described it as a tug-of-war.

Deputy Hauser saw Deputies Goedhart and Swanson on their horses near the front of the vehicle. Deputy Goedhart was on the driver's side and Deputy Swanson was on the passenger side, near the engine compartment.

Deputies Echeverria and Gonzales gave the suspect several commands to stop fighting, as the vehicle started moving. Deputy Hauser saw Deputy Echeverria fall down, as Deputy Gonzales ran alongside the vehicle. The vehicle moved 10 – 15 feet, when Deputy Hauser heard a gunshot. As he heard the gunshot, he saw Deputy Gonzales break free, as the vehicle sped away eastbound and out of view.

> **IAB NOTE:** During his interview, Deputy Hauser was shown a picture of the area of the shooting scene, to aid him in pointing out positions of the deputies during the incident. That picture is included in the **Miscellaneous Documents** Section.

SUSPECT STATEMENT:

James Babakitis, was interviewed on April 29, 2015, at 1400 hours, at the San Dimas Sheriff's Station, by Sergeants Richard Martinez and [redacted] His interview was digitally recorded. Suspect Babakitis refused to speak about the case.